

## **Amendments to the Claims**

1. (Previously presented) An environmental noise level estimation apparatus comprising:

detection means for detecting a level of a sound signal including a voice signal and an environmental noise signal;

sampling means for repeatedly sampling said level in response to a clock signal;

variation detection means for detecting whether a presently sampled level by the sampling means increases from a previously sampled level thereby, said previously sampled level being sampled one sample before the presently sampled level; and

estimation means, responsive to said clock signal, for estimating, renewing, and outputting an estimated environmental noise level of said environmental noise signal, when the variation detection means detects that the presently sampled level increases from the previously sampled level, to gradually vary said estimated environmental noise level from a previously estimated environmental noise level by adding a predetermined constant value to the previously estimated environmental noise level.

2. (Previously presented) An environmental noise level estimation apparatus as claimed in claim 1, wherein, when said variation detection means detects that the presently sampled level equals to or decreases from the previously sampled level, said estimation means keeps the estimated environmental noise level correspondent to the presently sampled level.

3. (Original) An environmental noise level estimation apparatus as claimed in claim 1, wherein said detection means comprises power level detection means for detecting a power of said sound signal and outputs said detected power as said level.

4. (Original) An environmental noise level estimation apparatus as claimed in claim 1, further comprising comparing means for comparing said detected level with a predetermined value, wherein said estimation means estimates said environmental noise level only when said detected level is smaller than said predetermined value.

5. (Original) An environmental noise level estimation apparatus as claimed in claim 1, wherein an interval of said clock signal is smaller than 250 msec.

6. (Original) An environmental noise level estimation apparatus as claimed in claim 5, wherein an interval of said clock signal is smaller than 200 msec.

7. (Original) An environmental noise level estimation apparatus as claimed in claim 6, wherein an interval of said clock signal is smaller than 150 msec.

8. (Original) An environmental noise level estimation apparatus as claimed in claim 1, further comprises voice presence detection means for detecting the presence of voice signal in accordance with an output of said detection means, wherein said environmental noise level detection means stops said estimation means while said voice presence detection means detects the presence of voice signal.

9. (Previously presented) An environmental noise level estimation apparatus comprising:

detection means for detecting a level of a sound signal including a voice signal and an environment noise signal;

sampling means for repeatedly sampling said level at a first interval;

variation detection means, responsive to said sampling means, for detecting whether a presently sampled level by the sampling means increases from a previously sampled level thereby, said previously sampled level being sampled one sample before the presently sampled level; and

estimation means for estimating and renewing an estimated environmental noise level of said voice signal, when the variation detection means detects that the presently sampled level increases from the previously sampled level, to output the estimated environmental noise level at a second interval so as to gradually vary the estimated environmental noise level from a previously estimated environmental noise level, wherein said first interval agrees with said second interval by adding a predetermined constant value to the previously estimated environmental noise level.

10. (Currently amended) A communication apparatus comprising:  
a microphone for receiving sound and generating a sound signal including a voice signal and an environmental noise signal;  
communication means for transmitting said voice signal in a radio wave signal and receiving another voice signal;  
reproducing means for reproducing said voice signal in accordance with said another voice signal;  
detection means for detecting a level of said voice signal;  
sampling means for repeatedly sampling said level in response to a clock signal;  
variation detection means for detecting whether a presently sampled level by the sampling means increases from a previously sampled level thereby, said previously sampled level being sampled one sample before the presently sampled level; and  
estimation means, responsive to said clock signal, for estimating and renewing an estimated environmental noise level of said voice signal, when the variation detection means detects that the presently sampled level increases from the previously sampled level, to output the estimated environmental noise level so as to gradually vary the estimated environmental noise level from a previously estimated environmental noise level by adding a predetermined constant value to the previously estimated environmental noise level; and  
volume control means for controlling a volume of said reproduced voice signal in accordance with said estimated environmental noise level ~~by adding a predetermined constant value to the previously estimated environmental noise level~~.

11. (Original) A communication apparatus as claimed in claim 10, further comprising a codec means for coding voice signal at a predetermined interval to supply said coded voice signal to said communication means as said voice signal and decoding means for decoding said another voice signal at said predetermined interval to supply said decoded another voice signal to said reproducing means as said voice signal, wherein said predetermined interval corresponds to an interval of said clock signal.

12. (Original) A communication apparatus as claimed in claim 11, wherein said interval is 10 msec to 40 msec.

13. (Original) A communication apparatus as claimed in claim 12, wherein said interval is 15 msec to 25 msec.

14. (Original) A communication apparatus as claimed in claim 13, wherein said interval is 20 msec.

15. (Currently amended) A data terminal apparatus comprising:  
sound source means for supplying sound data;  
reproducing means for reproducing reproduced sound in accordance with said sound data;  
a microphone for receiving sound including at least an environmental noise and generating a sound signal;  
detection means for detecting a level of said sound signal;  
sampling means for repeatedly sampling said level in response to a clock signal;  
variation detection means for detecting whether a presently sampled level by the sampling means increases from a previously sampled level thereby, said previously sampled level being sampled one sample before the presently sampled level; and  
estimation means responsive to said clock signal, for estimating and renewing an estimated environmental noise level of said voice signal, when the variation detection means detects that the presently sampled level increases from the previously sampled level, to output the estimated environmental noise level so as to gradually vary the estimated environmental noise level from a previously estimated environmental noise level by adding a predetermined constant value to the previously estimated environmental noise level; and  
volume control means for controlling a volume of said reproduced voice signal in accordance with said estimated environmental noise level ~~by adding a predetermined constant value to the previously estimated environmental noise level.~~

16. (Previously presented) A method of estimating an environmental noise level comprising the steps of:

detecting a level of a sound signal including a voice signal and an environmental noise signal;

repeatedly sampling said level in response to a clock signal;

detecting whether a presently sampled level by the sampling means increases from a previously sampled level thereby, said previously sampled level being sampled one sample before the presently sampled level;

estimating and renewing an estimated environmental noise level of said voice signal in response to said clock signal, when the variation detection means detects that the presently sampled level increases from the previously sampled level, to output the estimated environmental noise level so as to gradually vary said estimated environmental noise level from a previously estimated environmental noise level by adding a predetermined constant value to the previously estimated environmental noise level.

17. (Previously presented) A method as claimed in claim 16, wherein, when said step of detection detects that the presently sampled level equals to or decreases from the previously sampled level, said step of estimation keeps the estimated environmental noise level correspondent to the presently sampled level.

18. (Original) A method as claimed in claim 17, wherein said step of detecting said level of said sound signal comprises the step of detecting a power of said sound signal and outputs said detected power as said level.

19. (Original) A method as claimed in claim 17, further comprising the step of:

comparing said detected level with a predetermined value, wherein said environmental noise level is estimated when said detected level is smaller than said predetermined value.

20. (Original) A method as claimed in claim 17, wherein an interval of said clock signal is smaller than 250 msec.

21. (Original) A method as claimed in claim 20, wherein an interval of said clock signal is smaller than 200 msec.

22. (Original) A method as claimed in claim 21, wherein an interval of said clock signal is smaller than 150 msec.

23. (Previously presented) An environmental noise level estimation apparatus as claimed in claim 1, wherein said estimation means renews the previous estimated environmental noise level by adding a predetermined value thereto, and outputs the renewed environmental noise as the estimated environmental noise level.

24. (Previously presented) A method as claimed in claim 16, wherein said step of estimation renews the previous estimated environmental noise level by adding a predetermined value thereto, and outputs the renewed environmental noise as the estimated environmental noise level.